

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-16357
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT January 6, 2010 JOHN LEY ACTING CLERK</p>

D. C. Docket No. 05-00206-CR-WS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIE MERER HINTON,
a.k.a. Chill,
a.k.a. Chill Will,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama

(January 6, 2010)

Before BARKETT, HULL and KRAVITCH, Circuit Judges.

PER CURIAM:

Sidney Harrell, appointed counsel for Willie Hinton, has filed a motion to withdraw from further representation, supported by a brief prepared pursuant to *Anders v. California*, 386 U.S. 738 (1967). Because our independent examination of the record reveals no arguable issues of merit, we grant the motion to withdraw.

The jury convicted Hinton of possession with the intent to distribute oxycodone within 1,000 feet of a public housing facility, but in its resentencing order, the district court inadvertently sentenced Hinton for “possession with intent to distribute oxycodone in a school zone.” The penalties for these offenses are identical. *See* 21 U.S.C. §§ 841(a)(1), 860. We therefore affirm Hinton’s conviction and sentence but remand with instructions to correct the clerical error in the district court’s resentencing order. *See* Fed. R. Crim. P. 36.

**MOTION GRANTED. CONVICTION AND SENTENCE
AFFIRMED; REMANDED FOR THE LIMITED PURPOSE TO CORRECT
CLERICAL ERROR.**